

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RONNIE FREEMAN

COMPLAINANT

v.

REIDLAND WATER & SEWER
DISTRICT

DEFENDANT

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) CASE NO. 97-050
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O R D E R

On January 29, 1997, the Commission received a complaint from Ronnie Freeman against Reidland Water & Sewer District ("Reidland") regarding a sewer extension made by Reidland. Apparently an individual applied to Reidland for sewer service, paying for the cost of installing a four-inch line. Reidland spent an additional \$7,000 to install an eight-inch line instead, anticipating future expansion. Mr. Freeman does not believe that Reidland should be expanding its system "under the theory of future likelihood or under expectation." [Emphasis in original.] Mr. Freeman asked that "[N]o future extensions and/or should [sic] no existing or proposed pipelines be increased in size at the districts expense."

The Commission is empowered by KRS 278.260 to investigate a complaint against a utility "that any regulation, measurement, practice or act affecting or relating to the service of the utility or any service in connection therewith is unreasonable, unsafe, insufficient or unjustly discriminatory." Pursuant to Commission Regulation 807

KAR 5:001, Section 12(4)(a), upon the filing of a formal complaint, the Commission is to examine whether a prima facie case has been established. If the complaint does not establish a prima facie case, the complainant is to be notified and may be given the opportunity to amend the complaint within a specified time. A prima facie case is one where sufficient evidence has been produced, if evidence to the contrary is disregarded, to support a favorable finding.

Based upon a review of Mr. Freeman's complaint and being otherwise advised, the Commission hereby finds that a prima facie case has not been established. Mr. Freeman did not allege that Reidland had violated any statute or regulation, nor that it had acted contrary to its tariff as filed with the Commission. Neither did Mr. Freeman show how Reidland might have acted unreasonably or with unjust discrimination in enlarging the size of the sewer extension in question. In fact, Reidland's tariff, approved by the Commission June 9, 1993, states:

Nothing contained herein shall be construed as to prohibit the Reidland Water-Sewer District from making at its expense, greater extensions than herein prescribed, should its judgement so dictate, provided like free extensions are made to other customers under similar conditions.¹

This tariff provision is consistent with 807 KAR 5:066, Section 11(5), regarding extensions of water lines. There are no regulations regarding extensions of sewer lines addressing this matter.

As Mr. Freeman has failed to establish a prima facie case, the Commission will hold his complaint for 20 days to give him an opportunity to file additional information or to clarify

¹ Reidland's tariff, Sheet Number 9, Section 7.e., Extensions by the Reidland Water-Sewer District.

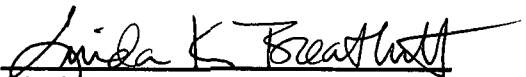
that which he has already filed in order to support his case against Reidland. Mr. Freeman should also clarify what relief it is that he seeks from the Commission. If no amendment setting forth a prima facie case is received within 20 days, the complaint will be dismissed.


IT IS THEREFORE ORDERED that:

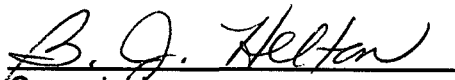
1. Mr. Freeman is granted 20 days from the date of this Order to file an amended complaint stating a prima facie case against Reidland.
2. If an amended complaint is not filed within 20 days of the date of this Order, Mr. Freeman's complaint shall be dismissed without further Order of the Commission.

Done at Frankfort, Kentucky, this 13th day of February, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director